

REMARKS/ARGUMENTS

The Abstract has been amended to correct minor editorial problems.

In the Specification, the paragraph [0008] has been amended to correct minor editorial problems.

In the Claims, Claims 1 (as amended), Claims 2 to 9, 10 (as amended), and Claims 11 to 13, inclusive, remain in the application.

Applicant acknowledges that the Examiner did not uncover any pertinent prior art to Applicant's present invention. As the Examiner has stated in her Official Action at page 4, there is no "motivation to modify the prior art process, alone or in combination, to arrive at the instant invention".

The Examiner has rejected Claims 1 to 13 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended Claims 1 by deleting the term "derivatives" and replacing same with "compound". Further, the term "general" has been deleted from the claim.

With respect to the definition of R1 and R2 being unclear in that a full description of the size, the make-up of the "heterocyclic structure" is not found in the specification, Applicant disagrees with the conclusion of the Examiner and submits that the term is clear and unambiguous for a person skilled in the art. Applicant submits that the person skilled in the art would understand "heterocyclic structure" to mean cyclic compound in which one or more of the atoms in the ring are elements other than carbon and the heterocyclic compound may or may not be aromatic (See Organic

Chemistry, 2nd Edition, Francis A. Carey, 1992, page 1228). The Examiner is further directed to United States Patent No. 4,529,596, issued July 16, 1985, which provides the description and the make-up of the heterocyclic structure as would be understood by a person skilled in the art. The Examiner will agree that the patent (United States Patent No. 4,529,596) is one of the prior art references cited and discussed in Applicant's present application, and a person skilled in the art would understand the term to be a well known and commonly used technical terms of the art in the chemical field and, therefore, is clear as such. Reconsideration is respectfully requested.

With respect to the definition of R3, the meaning of "aromatic group" being unclear, Applicant again traverses the conclusion of the Examiner. Applicant submits that the terms "aromatic group" includes both aryl, which refers to an aromatic carbocyclic radical having a single ring or two connected rings – for example, phenyl or naphthyl, and heteroaryl, an aromatic group containing at least one hetero atom which may be substituted or un-substituted. Applicant submits that the term aromatic group is a well known and commonly used technical term of the art in the chemical field and, therefore, is clear as such. Therefore, reconsideration is respectfully requested.

With respect to the definition of R3 being unclear as to what the "combination thereof" means, Applicant submits that a person skilled in the art would know what the combinations are in the context of the claim of the Applicant's application. In one example, Applicant submits that tert-butyldiphenylsilyl iodide (CAS #76358-46-8) would represent the combination of an alkyl and an aromatic group. Therefore, a person skilled the art reading Applicant's application and the claims thereof would understand the "combinations of thereof" to mean substituents of an alkyl and an aromatic compound on the silyl moiety.

Similarly, the definition for R4, as recited in Claim 3 of Applicant's application are well known and commonly used technical terms of the art in the chemical field and, therefore, are clear as such. As indicated above, the term "aromatic group" includes reference to aryl as well as heteroaryl compounds. Persons skilled in the art would also know that the combination of alkyl, alkenyl and aromatic group to mean a different substituent on the silyl moiety (for example, tert-butyldiphenylsilyl chloride – CAS #58479-61-1). Therefore, reconsideration is respectfully requested.

With respect to Claim 9 being unclear, Applicant submits that the term "equivalent of "toluene" is not ambiguous and would be understood by a person skilled in the art to mean organic solvents that are alkylated benzenes similar to toluene. Examples are xylene, ethylbenzene, mesitylene, etc., as would be understood by a person skilled in the art. (See for example, United States Patent No. 5,194,436 issued March 16, 1993, at column 9, lines 44-46). Applicant advances similar argument with respect to the Examiner's objections regarding Claim 13 wherein the term "equivalent" of "toluene" is recited. Therefore, reconsideration is respectfully requested.

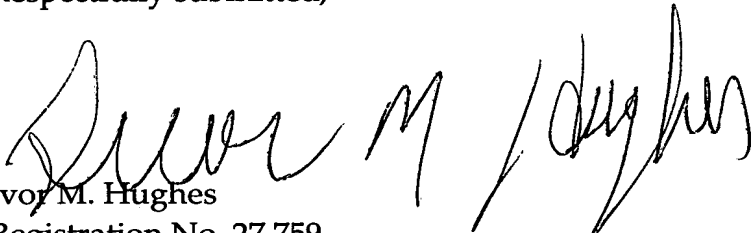
With respect to the independent claim, Claim 10, Applicant has amended said claim by placing the period at the end of compound of Formula 1, and thus more clearly defining Applicant's claimed invention. Therefore, reconsideration of the claims is respectfully requested.

The Examiner has also rejected claims 1 to 9 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Applicant has amended the typographical error that was obvious from the application and the claims thereof by removing the chloro substance from the substituted phenyl. Therefore, in light of

the amendments and submissions provided above, reconsideration is respectfully requested.

If any questions arise, the Examiner is respectfully requested to contact Applicant's Agent, Samuel Tekie at (905) 771-6414 collect at the Examiner's convenience.

Respectfully submitted,


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ST:mse

Enclosures

- 1) Request for 2 Month Extension of Time;
- 2) Cheque in the amount of \$450.00 USD;
- 3) United States Patent Nos. 4,529,596 and 5,194,436; and
- 4) Article: Organic Chemistry, 2nd Ed., Francis A. Carey, 1992, pg 1228.